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FACEBOOK, INC. and MARK ZUCKERBERG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FACEBOOK, INC. and MARK ZUCKERBERG, Plaintiffs, v. CONNECTU, INC. (formerly known as CONNECTU, LLC), CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA, Defendants.	Case No. 5:07-CV-01389-RS **DECLARATION OF THERESA A. SUTTON PURSUANT TO CIVIL LOCAL RULE 79-5(D) IN SUPPORT OF SEALING EXHIBITS V-8-E, V-8-G, V-8-H, AND V-4; AND WITHDRAWING THE CONFIDENTIAL DESIGNATIONS TO EXHIBITS V-5-Q AND V-8-B TO THE DECLARATION OF SCOTT MOSKO IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS** Date: October 10, 2007 Time: 9:30 A.M. Judge: Honorable Richard Seeborg

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I, Theresa A. Sutton, declare as follows:

1. I am an associate with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel to Plaintiffs Facebook, Inc. and Mark Zuckerberg. I am licensed to practice law in the State of California. I have personal knowledge of the facts and circumstances set forth in this Declaration. If called as a witness, I could and would testify competently to the matters set forth herein. I make this Declaration pursuant to Civil L.R. 79-5(d).

2. On September 5, 2007, Defendants Cameron Winklevoss, Tyler Winklevoss, and Divya Narendra lodged exhibits with the Court pending this Court's ruling on Defendants' Administrative Request to Seal those documents (Dkt. No. 138). Good cause exists for sealing Exhibits V-8-E, V-8-G, V-8-H, and V-4 to the Declaration of Scott Mosko in Support of Defendants' Memorandum.

3. **Exhibit V-8-E** is a document related to the registration of the Facebook.com domain registration. The document contains Mark Zuckerberg's parents' home address and phone number. Because of the substantial public attention this case has drawn, Mr. Zuckerberg is concerned that the release of his family's home address and phone number will invite third parties to contact his family, imposing an unnecessary and avoidable burden on them.

4. **Exhibit V-8-G** is a copy of an Agreement between Facebook and a third party, Equinix. The Agreement was marked confidential by the third party. It is not Facebook's information to make publicly available.

5. **Exhibit V-8-H** is a copy of excerpts from the deposition of Mark Zuckerberg. The testimony includes confidential and commercially sensitive financial information (in the form of a valuation placed on the company) related to Facebook, Inc.

6. Defendants also lodged **Exhibit V-4**. This document, Facebook's Opposition to Defendants' Motion to Quash, contains information ConnectU designated as Confidential and was filed under seal by the Superior Court of California before this action was removed to this Court.

7. Defendants also lodged as sealable **Exhibits V-5-Q** and **V-8-B**. Facebook is withdrawing its "Confidential" designation on these documents. **Exhibits V-5-Q** and **V-8-B** need

not be placed under seal.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 7th day of September, 2007, at Menlo Park, California.

/s/ Theresa A. Sutton /s/

Theresa A. Sutton

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on September 7, 2007.

Dated: September 7, 2007.

Respectfully submitted,

/s/ Theresa A. Sutton /s/
Theresa A. Sutton